

Appl. No. : 10/811,590 Confirmation No. 2812
Applicant : Dale C. H. Nevison
Filed: : March 29, 2004
Title of Invention : Improved Mat
TC/A.U. : 1772
Examiner : Alicia Ann Chevalier
Docket No. :
Customer No. : 39434

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

On December 12, 2006 a telephonic interview was conducted between applicant's attorney, Gregory T. Zalecki, and examiner, Alicia Chevalier. No one else participated. All pending claims were discussed. Prior art was not discussed. Applicant had prepared two sets of proposed claims for possible incorporation into an after final office action amendment. The first set of claims retained the allowed claims – 5-7, 15 and 16. Proposed claims 8-11 (process claims which had been subjected to a restriction requirement) were amended to conform to their original wording. The remaining claims were canceled. The examiner pointed out that claims 8-11 should be canceled in order to place the application in a condition for allowance. After a brief discussion to the effect that claims 8-11 had already been presented in a divisional application, applicant's attorney indicated that he would cancel claims 8-11 within this application. The

second set of proposed claims contained proposed amendments to claims 1, 3, 4, 8-11. These proposed amendments deleted the word "flexible" from the claim preambles. Additionally, the phrase "such that the mat compresses as if it were constructed from a softer material" was deleted from the end of claim 1. Applicant's attorney suggested that these amendments should result in the withdrawal of the 35 USC 112 rejections and allow the claims to be re-examined on their merits in light of applicant's arguments made within the reply to the prior office action. Applicant's attorney requested that the amendments be allowed because he felt that the source of the "flexible" limitation was the examiner (see pages 21-22 of applicant's prior office action reply from September 2006). The examiner declined this invitation relating to after final amendments. Applicant's attorney indicated that he would amend the claims in conformity with the first set of proposed claims and with the process claims canceled. He further indicated his intention to file a continuation application presenting the non allowed claims. The examiner indicated that it was likely that the claim amendments would be entered and that a notice of allowance would be issued. However, no formal agreement was reached.

Respectfully submitted,

/Gregory T. Zalecki/

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